

HISTORIC LANDMARKS COMMISSION

September 11, 2014



**THE REGULAR MEETING WILL BE HELD AT 9:00 A.M. IN
CITY COUNCIL CHAMBERS
SUFFOLK MUNICIPAL BUILDING**

**NOTE: IF YOU CANNOT ATTEND THIS MEETING, PLEASE CALL
THE DEPARTMENT OF PLANNING
BY 12:00 NOON, WEDNESDAY, September 10, 2014
514-4060**

**RANDY HICKS
CHAIRMAN**

**PREPARED BY THE CITY OF SUFFOLK
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

DIVISION OF PLANNING

AGENDA
Historic Landmarks Commission Meeting
Thursday, September 11, 2014
9:00 a.m.

- I. Call to Order: Chairman
- II. Roll Call
- III. Approval of the Minutes for the August 14, 2014
- IV. Old Business
 - A. **REQUEST FOR CERTIFICATE OF APPROPRIATENESS HC-2014-10**, submitted by Melissa J. Dresen, of MSA, P.C., agent for, First Baptist Church Mahan, applicant and property owner, for: 1) the demolition of an existing residential structure located at 403 N. Main Street; 2) the demolition of an existing residential structure, and an existing annex building to the main sanctuary building of the First Baptist Church Mahan, and a portion of an existing parking lot, all located at 409 N. Main Street; 3) the demolition of an existing residential structure located at 415 N. Main Street; 4) the construction of a new social hall building / addition to the First Baptist Church Mahan located at 106 and 108 Mahan Street; and 5) other associated site improvements, including the expansion of the existing adjacent parking lot and access drives, the construction of a dumpster enclosure, and the construction of a brick veneer and decorative aluminum fence. The affected property(s) are further identified as Zoning Map 34G11 Block (A) Parcel(s) 98, 99, 100, 126, 127, and 128, Suffolk Voting Borough, and is zoned CBD (Central Business District), and HC (Historic Conservation Overlay District).
- V. New Business
 - Enforcement Update
 - Administrative Approvals
- VI. Adjournment



MINUTES
HISTORIC LANDMARKS COMMISSION

August 14, 2014

9:00 A.M.

The regular meeting of the Historic Landmarks Commission was held on Thursday, August 14, 2014, 9:00 a.m., in the Council Chambers of the Municipal Building, 441 Market Street, Suffolk, Virginia, with the following persons present:

MEMBERS PRESENT:

Susan Coley
Walter Boyette
Amy Elliott
John Faircloth
Randy Hicks, Chairman
Edward King
Geraldine Outterbridge
G. Stewart Tyler, Vice Chairman

STAFF:

Robert Goumas, Assistant Director of Planning
Karla Williams, Deputy City Attorney
Shanda Davenport, Principal Planner
Thomas Jordan, Planner II
Jillian Scott, Office Assistant II
Shepelle Watkins-White, Substitute Legal Counsel

MEMBERS ABSENT:

Merritt Draper

The meeting was called to order by Chairman Hicks. The roll was called by Mr. Goumas and the Chairman was informed that a quorum was present. The minutes of the previous meeting were approved as presented. The Chairman noted the time limits for public hearings are ten (10) minutes for proponents, fifteen (15) minutes for opponents, and five (5) minutes for rebuttal.

Mr. Goumas introduced Shepelle Watkins-White to the Commission as the Substitute Legal Counsel for the next application.

OLD BUSINESS

REQUEST FOR CERTIFICATE OF APPROPRIATENESS HC-2014-10, submitted by Melissa J. Dresen, of MSA, P.C., agent for, First Baptist Church Mahan, applicant and property owner, for: 1) the demolition of an existing residential structure located at 403 N. Main Street; 2) the demolition of an existing residential structure, and an existing annex building to the main sanctuary building of the First Baptist Church Mahan, and a portion of an existing parking lot, all located at 409 N. Main Street; 3) the demolition of an existing residential structure located at 415 N. Main Street; 4) the construction of a new social hall building / addition to the First Baptist Church Mahan located at 106 and 108 Mahan Street; and 5) other associated site improvements, including the expansion of the existing adjacent parking lot and access drives, the construction of a dumpster enclosure, and the construction of a brick veneer and decorative aluminum fence. The affected property(s) are further identified as Zoning Map 34G11 Block (A) Parcel(s) 98, 99, 100, 126, 127, and 128, Suffolk Voting Borough, and is zoned CBD (Central Business District), and HC (Historic Conservation Overlay District).

The first item of business was introduced by the Chairman, followed by a staff report by Shanda Davenport, Principal Planner. Ms. Davenport stated on June 12, 2014, the Historic Landmarks Commission conducted a public hearing for the above reference request made by First Baptist Church Mahan, and after the discussion by the Commission a motion was made by Commissioner Tyler to table the application for up to 6 months to provide the applicant more time to address items of concern. The motion was seconded by Commissioner Faircloth and approved by a recorded vote of 6-0. Ms. Davenport reminded the Commission the proposed project consists of several discrete parts; including the proposed demolition of three residential structures and the demolition of a wing of the existing First Baptist Church Mahan; the construction of a new addition to the existing First Baptist Church Mahan; and

the construction of a parking lot, dumpster enclosure and fencing as an accessory to the newly expanded structure. All of the demolition elements are located within the historic conservation overlay district. The existing First Baptist Church Mahan is located outside of the Historic Conservation Overlay District. The proposed addition would, however, be located within the overlay district and subject to the Commission's oversight.

Ms. Davenport reported the applicant has amended the subject request, noting that the demolition at 415 N. Main Street has been deleted and is no longer requested. She also stated that as requested, the applicant has provided additional information to include an updated structural assessment, feasibility study and additional information in support of the request. In conclusion, Ms. Davenport reported that staff recommended approval of the amended request with the conditions listed in the staff report.

Commission Tyler offered a motion to allow additional public comment. The motion was seconded by Commissioner King and approved by a recorded vote of 8-0.

Representing the applicant and speaking in favor of the request was Jimmy Clemmer, Barnes Design Group Architects. Mr. Clemmer stated that extensive time had been spent in pursuit of answering the questions the Commission raised at the last meeting. Mr. Clemmer stated that he was in agreement with the Staff report as presented and was available to answer any questions the Commission may have.

There being no other speakers in favor or in opposition, the public comment period closed.

After discussion by the Commission, a motion was made by Commissioner Boyette for the noted actions. The motion was seconded by Commissioner Faircloth and approved by a recorded vote of 7-1.

The following actions are approved:

1. Demolition of the structure located at 409 North Main Street
2. Demolition of the structure located at 403 North Main Street
3. Demolition of the “Walter’s Annex” wing of the existing First Baptist Church Mahan.
4. Construction of an addition to the First Baptist Church Mahan in substantial compliance with architectural sheets A3.0 and A3.1 as prepared by Barnes Design Group dated January 3, 2014.
5. Construction of the site elements located within the Historic Conservation Overlay District in general compliance with those shown on architectural sheet S1.0 as prepared by Barnes Design Group dated July 22, 2014.

The following conditions shall apply to the approval of this project.

1. The applicant shall offer parts of the contributing historic structure located at 403 North Main Street to interested parties for salvage and shall document the historic nature of the house prior to demolition. The salvaged artifacts may also be incorporated into the monument to be located at the corner of North Main Street and Mahan Street shown on architectural sheet S1.0.
2. Within 30 days or the next meeting of the Historic Landmarks Commission, September 11, 2014, the applicant must come back to the HLC with a layout of the monument.
3. No additional exterior renovation to be undertaken without the issuance of a Certificate of Appropriateness.

New Business: Enforcement Update

Donald Bennett, (Planning & Community Development) gave an update on the enforcement actions taken by Community Development for the following properties:

111 Oakdale Terrace - property maintenance violation, fined \$100.00

130 Oakdale Terrace - property maintenance violation, continued until September

There being no further business, the meeting was adjourned at 9:39 a.m.

HISTORIC LANDMARKS COMMISSION



August 14, 2014

Motion: Tyler

2nd: King

TO: Open for
Public Comment

Motion: Boyette

2nd: Faircloth

TO: Approve
with conditions
noted

ATTENDANCE

HC-2014-10

HC-2014-10

VOTE: 8-0

VOTE: 7-1

COMMISSIONERS

PRESENT

ABSENT

YES

NO

YES

NO

Boyette, Walter

X

X

X

Coley, Susan M.

X

X

X

Draper, Merritt

X

Elliott, Amy

X

X

X

Faircloth, John

X

X

X

King, Edward L.

X

X

X

Outterbridge, Geraldine

X

X

X

Tyler, Stewart G.

X

X

X

Vice-Chairman

Hicks, Randy,

X

X

X

Chairman

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CITY OF SUFFOLK

441 MARKET STREET, P.O. BOX 1858, SUFFOLK, VIRGINIA 23439-1858
PHONE: (757) 514-4060 FAX: (757) 514-4099

DEPARTMENT OF
PLANNING & COMMUNITY DEVELOPMENT

Division of Planning

To: Historic Landmarks Commission

From: Shanda H. Davenport, Principal Planner

Date: September 11, 2014

Subject: **REQUEST FOR CERTIFICATE OF APPROPRIATENESS HC-2014-10**, submitted by Melissa J. Dresen, of MSA, P.C., agent for, First Baptist Church Mahan, applicant and property owner, for: 1) the demolition of an existing residential structure located at 403 N. Main Street; 2) the demolition of an existing residential structure, and an existing annex building to the main sanctuary building of the First Baptist Church Mahan, and a portion of an existing parking lot, all located at 409 N. Main Street; 3) the demolition of an existing residential structure located at 415 N. Main Street; 4) the construction of a new social hall building / addition to the First Baptist Church Mahan located at 106 and 108 Mahan Street; and 5) other associated site improvements, including the expansion of the existing adjacent parking lot and access drives, the construction of a dumpster enclosure, and the construction of a brick veneer and decorative aluminum fence. The affected property(s) are further identified as Zoning Map 34G11 Block (A) Parcel(s) 98, 99, 100, 126, 127, and 128, Suffolk Voting Borough, and is zoned CBD (Central Business District), and HC (Historic Conservation Overlay District). The 2026 Comprehensive Plan designates this area as part of the Central Suburban/Urban Growth Area, Mixed-Use development district.

On August 14, 2014, the Historic Landmarks Commission approved the above referenced request made by First Baptist Church Mahan subject to conditions. One of the conditions was that the applicants return at the next meeting of the Commission to present information concerning a monument that had been proposed by the applicant at the corner of North Main Street and Mahan Street. The applicant has provided exhibits of the conceptual design that are attached.

An inquiry has been made as to whether the Historic Landmarks Commission can require the inclusion of the subject monument as a condition of approval of an applicant's request for a Certificate of Appropriateness. In response, Ms. Shepelle Watkins-White, acting on behalf of the City Attorney's Office, provided the attached memorandum (dated August 15, 2014) to Helivi Holland, City Attorney where she concluded that, "...the Historic Landmarks Commission does

not have the authority to require a monument if the applicant does not wish to include the same within its development.” Staff recommends the Commission provide the applicant with the opportunity to decide whether it is their desire to continue to pursue, or not pursue, the completion of a monument element as a portion of the overall project for the expansion and renovation of First Baptist Church Mahan as introduced in the application materials included in the August Commission agenda.

It is important to note that while the design of monuments, sculptures or the like are not subject to Commission approval, elements such as materials, colors, and lighting of such a feature are included within the Design Guidelines. Accordingly, should the applicant desire to include the proposed site feature, the consideration of approval for the proposed monument should focus on the specific elements addressed by the Guidelines.

Based on the applicable regulations and guidance provided by the Unified Development Ordinance and the Historic District Guidelines, staff does find that the conceptual design of the monument is in keeping with other features in the overall Church project. The integration of the monument and use of similar materials to the approved fencing provide a consolidated design to the monument and do help to define and give prominence to the corner. As such, staff finds that the monument furthers the stated goals in the Historic District Guidelines as such recommends approval of the feature.

Attachments

cc: Melissa J. Dresen, MSA, P.C.
Jimmy Clemmer, Barnes Design Group

MEMORANDUM

TO: HELIVI HOLLAND, CITY ATTORNEY
FROM: SHEPELLE WATKINS-WHITE
SUBJECT: HLC AUTHORITY TO REQUIRE A HISTORICAL MONUMENT WITH AN APPLICATION TO THE COMMISSION
DATE: AUGUST 15, 2014

An inquiry has been made as to the legal authority the Historic Landmarks Commission has to require an applicant subject to the Historic Overlay District to construct a historical monument in connection with a project proposed within the District.

Under Virginia Code § 15.2-2306, any locality that has adopted an ordinance setting forth historic landmarks and other buildings or structures having important historic significance may provide, in relevant part, for the following:

1. Documentation from an applicant that development will preserve or accommodate historical resources.
2. A review board to administer the ordinance.
3. Provision that no building or structure be erected, reconstructed, altered or restored unless approved by the review board or, on appeal, by the governing body.
4. Provision that no historic landmark, building or structure within the historical district be razed, demolished or moved until approved by the review board or, on appeal, by the governing body after the board or governing body's review.

Pursuant to state code, the City of Suffolk has adopted Section 31-413 Historic Conservation Overlay Districts within the Unified Development Ordinance. This ordinance directs that the Historic Landmarks Commission is to be guided by the standards and guidelines within the ordinance and within the Historic District Design Guidelines. UDO § 31-413(g)(7)(B). The Historic District Design Guidelines are detailed in nature offering exhaustive elements to be considered within projects impacting the district. In review of the guidelines, items such as windows, awnings, doors, decorative features such as columns, cornices and trim, building materials, paint, fences, parking, setbacks, landscaping and signage are elements an applicant must take into consideration with a proposal. However, no authority is stated with regards to requirements for monuments.

It is a well settled principle of law within the Commonwealth of Virginia that localities possess and can exercise only those powers expressly granted, those necessarily or fairly implied or incidental to expressly granted powers and those essential to the purposes of the locality. Bd. of Sup. v. Town of Purcellville, 276 Va. 419 (2008). As such, the City of Suffolk, acting through its review board, the Historic Landmarks Commission can require an applicant to document that its development will preserve historical resources. The nuance to this authority is that the locality may require the applicant to document its preservation and through the Guidelines the City offers

elements of consideration. However, it is up to the applicant to document exactly how it proposes to preserve historical elements and for the review board simply to determine whether the proposal complies with this requirement. As such, I conclude that the Historic Landmarks Commission does not have authority to require a monument if the applicant does not wish to include the same within its development.





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HISTORIC CONSERVATION OVERLAY DISTRICT
GENERAL CERTIFICATE OF APPROPRIATENESS

Application Number: HC-2014-030AD

**THIS CERTIFICATE MUST BE POSTED IN A VISIBLE LOCATION
ON THE PREMISES**

This is to certify that the structure located at the following location has met the requirements of Section 31-413(f)(1) of the Unified Development Ordinance:

Property Address: 108 Western Avenue

Property Owner: Eric and Carrie Knox

Property Owner's Address: 3613 Blue Stem Ct., Suffolk, VA. 23435

Property Tax Map Identification: 34G11(1)*24

Property Zoning: CBD, Central Business District and HC, Historic Corridor Overlay

The following action/conditions are approved:

1. Remove the existing front steps and install a new concrete front porch, steps, and accessibility ramp.
2. The steps and exterior skirt of the ramp will be constructed of brick to match the existing building.
3. The railing shall be constructed of a durable composite material.
4. The post, handrails, and decorative caps shall be finished in white and the baluster shall be finished with black paint.
5. No further exterior improvements permitted without the issuance of a Certificate of Appropriateness.
6. All required permits shall be obtained from the Community Development Division.

THIS CERTIFICATE IS VALID FOR SIX (6) MONTHS. THE APPROVED ACTION(S) MUST COMMENCE WITHIN SIX (6) MONTHS, OTHERWISE A REQUEST FOR AN EXTENSION MUST BE APPLIED FOR AND GRANTED BY THE HISTORIC LANDMARKS COMMISSION OR THE ADMINISTRATOR BEFORE SUCH ACTION CAN COMMENCE.

Signed: _____

(Zoning Administrator)

Date: _____

Patricia Southard
8/22/14

Signed: _____

(HLC Secretary)

Date: _____

[Signature]
8/21/14